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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of: § Atty Docket No.: PISA,015
Madhavan PISHARODI §
§
Serial No.: 10/804,895 § Group Art Unit: 3774
§
Filed: March 19, 2004 §
§
For: ROTATING, LOCKING, § Examiner: P. B. Prebilic
SPRING-LOADED §
ARTIFICIAL DISK §

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Oct. 28, 2008
Mark R. Wisner, Registration No. 30,603 Date

TRANSMITTAL OF AMENDMENT

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

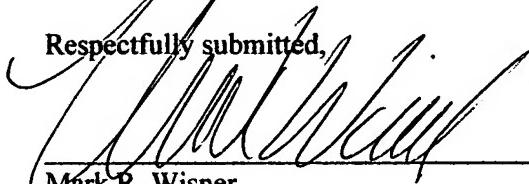
The fee has been calculated as shown below:

FOR	CLAIMS PAID FOR	TOTAL CLAIMS	EXTRA CLAIMS	RATE	TOTAL
Total Claims	27	21	0	\$52/\$26	\$ - 0 -
Independent Claims	5	5	0	\$220/\$110	\$ - 0 -
TOTAL FEE DUE:					\$ - 0 -

- Also enclosed is a Request for Entry of Response to Official Action of November 17, 2007 (please note that Applicant made a typographical error in the title of the Response, which is styled as a Response to Official Action of November 17, 2008; the title should have referred to November 17, 2007). As required by the 37 C.F.R. 1.8, Applicant's Request for Entry of Response to Official Action of November 17, 2007 is accompanied by copies of Applicant's Request for Extension of Time, Request for Continued Examination, and Response to Official Action of November 17, 2008 (*sic*, 2007) as filed with a certificate of mailing executed on August 19, 2008.
- Also enclosed is a Supplemental Response to Official Action of November 17, 2007.
- Also enclosed is a request for a (_____-month) extension of the time to respond.

- Please charge the \$____ fee required for ____ to the Deposit Account of Wisner & Associates, Account No. ____ (____).
- A check in the amount of \$____ is enclosed to cover the required fee for ____.
- A Form PTO-2038 is enclosed, authorizing the charge of the \$____ required fee for _____ as calculated above, to the credit card specified therein.
- The Commissioner of Patents is hereby authorized to draw on the Deposit Account of Wisner & Associates, Account No. 50-0965 (PISA,015), if there are charges for entry of the enclosed amendment, if any accompanying check or Form PTO-2038 is unsigned or insufficient in amount, or if any accompanying check or Form PTO-2038 listed as being enclosed is inadvertently not attached to this paper.
- Please date stamp and return the attached postcard to confirm receipt of this amendment.

Respectfully submitted,



Mark R. Wisner
Registration No. 30,603
Wisner & Associates
1177 West Loop South, Suite 400
Houston, Texas 77027-9012
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: October 28, 2008



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COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

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Mark R. Wisner, Registration No. 30,603

Oct. 28, 2008
Date

**REQUEST FOR ENTRY OF RESPONSE TO
OFFICIAL ACTION OF NOVEMBER 19, 2007**

Dear Sir:

Applicant requests entry of the Response to Official Action of November 19, 2007, Request for Extension of Time, and Request for Continued Examination as filed in the application with a certificate of mailing executed on August 19, 2008. Copies of all three documents are attached. This Request is prompted by the following sequence of events.

On October 24, 2008, the below-signed Attorney for Applicant attended an interview with the Examiner in the captioned application. During that interview, and as set out in the PTOL-413 that was prepared during the interview, it was discovered that Applicant's Response to Official Action of November 19, 2007, Request for Extension of Time, and Request for Continued Examination as filed in the application with a certificate of mailing executed on August 19, 2008 were not part of the application file (please note that Applicant made an inadvertent typographical error in the title of the Response to Official Action of November 19, 2007 in that the Response is titled "Response to Official Action of November 19, 2008"). The Examiner made a copy of Applicant's Response to Official Action of November 19, 2008 (*sic*, 2007) from Applicant's Attorney's file at the interview and made that copy a part of the record as a draft amendment attached to the PTOL-413, but of course even if that copy is considered part of the record, neither of Applicant's Request for Extension of Time or Request for Continued

Examination were of record such that Applicant's Response to Official Action of November 19, 2007 could not have been considered by the Office. Applicant therefore files this Request for Entry of that Response for the purpose of requesting that the Response to Official Action of November 19, 2008 (*sic*, 2007), Request for Extension of Time, and Request for Continued Examination as filed in the application with a certificate of mailing executed on August 19, 2008 be entered into the application file at this time.

Presuming that this Request for Entry of Response to Official Action of November 17, 2007 is in the nature of a request for reinstatement of an application deemed abandoned after the Office did not receive a required filing (and in reviewing the file, it was discovered that the post card sent with the August 19, 2008 filings so that the Office could acknowledge their receipt has not been returned to the undersigned Attorney), Applicant respectfully requests that the enclosed copies of the August 19, 2008 filings be entered into the application file. Further, Applicant submits that no fee need be paid for entry of the August 19, 2008 filings at this time because, as set out in 37 C.F.R. 1.8(a), correspondence required to be filed within a set period of time will be considered timely filed if the procedure described in §1.8 is followed; actual receipt of the correspondence by the Office is not required by the Rule. Specifically, correspondence sent to the Office is considered timely "if the party who forwarded such correspondence (1) informs the Office of the previous mailing . . . promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed . . . correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis . . . to the previous timely mailing . . . 37 C.F.R. 1.8(b). This request for entry of the documents previously filed in the captioned application is therefore being filed by the party who forwarded the previous correspondence (the undersigned Attorney) to inform the Office that the correspondence apparently was not received, and is being filed promptly after the undersigned Attorney became aware that the Office had not received the correspondence (specifically, within just two business days of the discovery during the October 24, 2008 interview that the August 19, 2008 filings were missing from the Office's file). Additional copies of the previous correspondence (specifically, the Response to Official Action of November 19, 2008 (*sic*, 2007), Request for Extension of Time, and Request for Continued Examination) are enclosed, and the undersigned Attorney hereby states that

- (a) he personally deposited the envelope (into which he had himself placed the enclosed correspondence) into the "out" box in his office on August 19, 2008,
- (b) he did so in time for the contents of the "out" box to be taken to the U.S. Postal Service drop box on the first floor of the building in which he offices, and

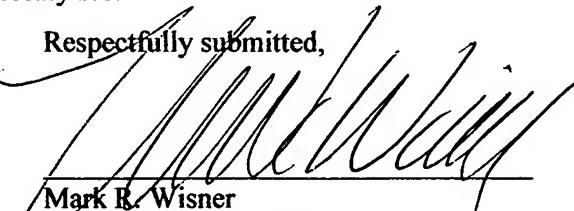
(c) it was standard practice in his office at the time for the contents of the "out" box to be taken downstairs to the Postal Service drop box in time for pick-up by the postal carrier on that same day.

On the basis of the above showing and in accordance with 37 C.F.R. 1.8(b), Applicant respectfully requests that the enclosed copies of the August 19, 2008 filings be entered into the application file at this time.

Please note also that during the October 25, 2008 interview of the captioned application with the Examiner, it was discovered that additional claim amendments were needed in this application. Applicant is therefore also filing a Supplemental Response to Official Action of November 17, 2007 with this Request for Entry of Response and requests entry of the amendments and consideration of the remarks set out in that Supplemental Response in addition to the amendments and remarks in the Response to Official Action of November 17, 2008 (*sic*, 2007). Please note that the amendments in the Response to Official Action of November 17, 2008 (*sic*, 2007) need to be entered before the amendments set out in the enclosed Supplemental Response are entered if the amendments in the Supplemental Response are to make sense.

Consideration of the remarks set out herein, entry of the enclosed copies of the August 19, 2008 filings, and entry of the enclosed Supplemental Response to Official Action of November 17, 2007 are all respectfully requested. In the event any check or authorization to charge credit card in the amount of any necessary fees was not properly executed, was not included with this Request for Entry of Response and the Supplemental Response and/or was insufficient in amount, or for any reason this Request is not considered timely filed, request is hereby made for an extension of the time for the period necessary to ensure consideration of this Response and the Commissioner is authorized to charge Deposit Account No. 50-0965 (PISA,015) in the amount of any necessary fee.

Respectfully submitted,



Mark R. Wisner

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Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT(S)

Date: October 28, 2008